

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

In Re: Rita Richards Corbitt,
Debtor.

Chapter: 13
Case Number: 15-33066

MOTION TO SET ASIDE CONFIRMATION ORDER

COMES NOW Republic Finance, LLC., a Creditor in the above case, and moves the Court to set aside the confirmation order and to reset this case for confirmation, as grounds would show unto the Court the following:

1. Debtor filed the above case, and the Creditor attended the Creditors Meeting and the Debtor explained she wanted to protect the co-debtor, Roderick Corbitt, who is her husband, and pay the debt in full. The Debtor failed to amend the plan to make provisions to pay the debt in full, and the Creditor objected to confirmation, based on the fact the Debtor had property pledged to Republic which formed the bases of a secured claim and therefore the Creditor ought to be paid as secured.
2. Subsequent to the Debtor filing the in the above case, Roderick Corbitt, her husband (and the co-debtor), filed his own case which was assigned case number 15-33524. In the husband's case, he agreed to pay the debt in full, which resulted in the Creditor being paid in full. The objection to confirmation in Rita Corbitt's case. However, the confirmation hearing for Roderick Corbitt came before the Court today, and the case was dismissed because the Debtor never made his first payment to the Trustee. Therefore, the claim of, the Creditor is unsecured.
3. Further, the Creditor asserts that Rita Corbitt would have fully secured the debt, had she known that Roderick Corbitt was not going to pay for the debt or that his case would get dismissed. For this reason, the Creditor requests the Court to set aside the confirmation order and reset this matter for hearing, so Rita Corbitt can decide whether she wants to keep the property or surrender the same, or exactly how to handle the property involving Republic Finance.

WHEREFORE, the Creditor requests the Court to set aside confirmation order and reset the matter for Confirmation Hearing.

/s/ Richard C. Dean, Jr.

Attorney for Republic Finance, LLC.

OF COUNSEL:
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JW

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following interested parties electronically (CM/ECF) or by placing a copy of the same in the United States mail, postage prepaid and properly addressed on the date that this document is filed in the above case:

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/s/ Richard C. Dean, Jr.

Of Counsel